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October 1, 2021

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VIA ECF

The Honorable Kimba M. Wood
United States District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: de Lacour v. Colgate-Palmolive Co., Case No. 16-cv-8364

MEMO ENDORSED

Dear Judge Wood:

Pursuant to the September 28, 2021 so-ordered request to propose refinements to the notice plan (Dkt. No. 169, entered September 29, 2021), Defendants Colgate-Palmolive Co. and Tom's of Maine, Inc. ("Defendants") and Plaintiffs Anne de Lacour, Andrea Wright, and Loree Moran ("Plaintiffs") (together, the "Parties"), hereby submit this joint proposal to modify the notice plan that Your Honor previously ordered on August 10, 2021 (Dkt. No. 159) in two ways:

1. The Parties propose edits to the Long Form, Short Form and Postcard notice (Exhibits A-C) that, among other things, clarify the scope of the class. Defendants join in these jointly proposed revisions subject to the objection that the Notices should be revised to reflect the exclusion of any *Gay* case class members.
2. The Parties propose to omit one limited category of the multi-prong publication notice, namely transmittal of the 11x17" poster reproduction of the short form notice to Defendants' most significant retailers and distributors. See Dkt. No. 150 at 2–3, Paragraph 1.B.2. Under the particular circumstances of this case, this prong of publication notice may prompt confusion and other difficulties. After meeting and conferring, the Parties have agreed that, in light of the otherwise robust direct and publication elements of the notice program, this prong of publication notice can be omitted without otherwise impairing the reach of the notice program.

The Parties further propose that the new implementation date of the notice program be 10 business days from the date of the Court's Order, or October 18, whichever is later.

Respectfully submitted,

/s/ Hannah Y. Chanoine

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The parties' jointly proposed edits to the Notice Plan are approved. The Court notes Defendants' objection regarding *Gay* class members but does not take action upon the objection. The Court finds that the Notice Plan, as modified, provides the best notice that is practicable under the circumstances.

The implementation date by which class counsel will cause copies of the appropriate notice to be sent via e-mail or postal mail and posted on a dedicated website is set for October 18, 2021. (See ECF No. 150, § 1(A)(2)–(3), (B)(1).).

SO ORDERED.

**Dated: New York, N.Y.
October 4, 2021**

/s/ Kimba M. Wood

**KIMBA M. WOOD
United States District Judge**